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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/080,069	02/21/2002	Armando Jesus Argumedo	TUC920010111US1	8548

7590 12/17/2003

Antonio R. Durando  
Durando Birdwell & Janke, P.L.C.  
2929 E. Broadway Blvd.  
Tucson, AZ 85716

EXAMINER
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BEACHAM, CHRISTOPHER R

ART UNIT	PAPER NUMBER
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2653

DATE MAILED: 12/17/2003

4

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/080,069

Applicant(s)

ARGUMEDO ET AL.

Examiner

Christopher R. Beacham

Art Unit

2653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) \_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 & 3. 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless –*

*(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.*

1. Claim 11 is rejected under 35 U.S.C. 102(b) as being anticipated by the Applicant's Admitted Prior Art (hereinafter AAPA) (Description of Related Art; pg. 4, line 11 to pg. 5, line 16).

- Regarding claim 11, AAPA discloses a dual purpose magnetic tape cartridge for alternative use in Magstar or LTO robotic systems, comprising:

- a magnetic-tape cartridge having a topside, a bottom side, a front side, a rear side, two lateral sides, and a sloped face in the rear side conforming to Magstar format specifications (pg. 4);

- wherein said bottom side contains first and second locating notches for engagement with corresponding locating pins in a drive and a V-shaped notch for initial alignment of the cartridge within the drive (pg. 4, lines 11-14);

- wherein said first locating notch is an approximately square hole at least 5 mm deep and with a side of  $3.00 \text{ mm} \pm 0.08 \text{ mm}$ , and said hole has a center located  $20.50 \text{ mm} \pm 0.20 \text{ mm}$  from said front side of the cartridge (pg. 5, lines 1-5);

- wherein said second locating notch is an approximately oval aperture at least 5 mm deep, with a major dimension of at least 4.8 mm parallel to the cartridge's front side

Art Unit: 2653

and a minor dimension of 3.00 mm  $\pm$  0.08 mm, and said aperture has a center 20.50 mm  $\pm$  0.20 mm from the front side of the cartridge and 86.15 mm  $\pm$  0.25 mm from the center of the first locating notch (pg. 5, lines 5-11);

and wherein said V-shaped notch is at least 8.90 mm deep and has a rounded bottom with a maximum radius of 1.50 mm centered about 5.05 mm from the front side of the cartridge; and the V-shaped notch has sides that extend from the rounded bottom toward the front side of the cartridge at an angle of 60 degrees + 1 degree (pg. 5, lines 11-16).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

*(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.*

2. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Applicant's Admitted Prior Art (hereinafter AAPA) (Description of Related Art; pg. 2, line 18 to pg. 4, line 24).

- Regarding claims 1-10, AAPA discloses a dual-purpose magnetic-tape cartridge for alternative use in Magstar or LTO automated picker systems, comprising:

a magnetic-tape cartridge having a topside, a bottom side, a front side, a rear side, two lateral sides, and a sloped face in the rear side conforming to Magstar format specifications (pg. 4);

Art Unit: 2653

said recessed surface further contains a gripping notch at least 4.75 mm deep, extending at least 8.70 mm in height from said bottom side, and extending about 6.00 mm in width from approximately 14 mm to approximately 20 mm from said rear side of the cartridge (pg. 4, lines 20-24).

AAPA does not teach a rear portion of each lateral side contains a recessed surface offset by about 1.8 mm therefrom and extending forward from said rear side.

However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to make the magnetic tape cartridge of AAPA with the claimed dimensions.

The rationale is as follows: One of ordinary skill in the art at the time of the invention would have been motivated to make the magnetic tape cartridge of AAPA with the claimed dimensions because the modification is carrying forward another's invention by changing the size based upon design choice. *In re Rose*, 105 USPQ 237 (CCPA 1955).

3. Claims 12-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Applicant's Admitted Prior Art (hereinafter AAPA) as applied to claim 11 above (Description of Related Art; pg. 2, line 18 to pg. 5, line 16).

- Regarding claims 12-28, AAPA discloses all the features except the claimed dimensions.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the magnetic tape cartridge of AAPA with the claimed dimensions.

The rationale is as follows: One of ordinary skill in the art at the time of the invention would have been motivated to make the magnetic tape cartridge of AAPA with the claimed dimensions because the modification is carrying forward another's invention by changing the size based upon design choice. *In re Rose*, 105 USPQ 237 (CCPA 1955).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- a. Johnson et al. (US 6,477,010 B1) is cited to show a data storage tape cartridge with misinsertion notches.
- b. Morita et al. (US 6,577,471) is cited to show a magnetic tape cartridge.
- c. Morita (US 6,657,817) is cited to show a cassette housing case having an engagement recess and one or more engagement protrusions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R. Beacham whose telephone number is (703) 605-4256. The examiner can normally be reached on M-F, 8: 00 am-5: 30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (703) 305-6137. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

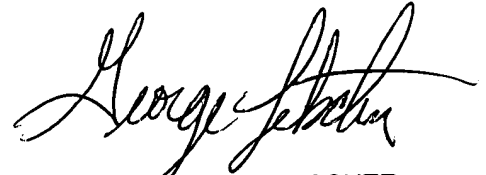
Art Unit: 2653

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.



Christopher R. Beacham  
Patent Examiner  
Art Unit 2653

December 14, 2003



GEORGE J. LETSCHER  
PRIMARY EXAMINER